

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 173 be amended to read as follows:

- 1 Page 10, between lines 27 and 28, begin a new paragraph and insert:
- 2 "SECTION 4. IC 5-2-1.5 IS ADDED TO THE INDIANA CODE AS
- 3 A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY**
- 4 **1, 2009]:**
- 5 **Chapter 1.5. Employment of Veterans as Law Enforcement**
- 6 **Officers**
- 7 **Sec. 1. This chapter applies after June 30, 2009, to:**
- 8 **(1) a police department; or**
- 9 **(2) any other agency with authority to appoint and hire law**
- 10 **enforcement officers.**
- 11 **Sec. 2. As used in this chapter, "armed forces" means the active**
- 12 **and reserve components of the following:**
- 13 **(1) The United States Army.**
- 14 **(2) The United States Navy.**
- 15 **(3) The United States Air Force.**
- 16 **(4) The United States Marine Corps.**
- 17 **(5) The United States Coast Guard.**
- 18 **(6) The Indiana National Guard.**
- 19 **Sec. 3. As used in this chapter, "hiring or appointing authority"**
- 20 **has the meaning set forth in IC 5-2-1-2(7).**
- 21 **Sec. 4. As used in this chapter, "law enforcement officer" has**
- 22 **the meaning set forth in IC 5-2-1-2(1).**
- 23 **Sec. 5. As used in this chapter, "veteran" means an individual**
- 24 **who has served or is serving in the armed forces.**

1 **Sec. 6. (a) Notwithstanding any contrary law, the hiring or**
 2 **appointing authority of:**

3 **(1) a police department; or**

4 **(2) any other agency with authority to appoint and hire law**
 5 **enforcement officers;**

6 **shall waive any age restriction that applies to the appointment and**
 7 **hiring of an individual as a law enforcement officer, if the**
 8 **individual is less than forty (40) years of age and meets the**
 9 **requirements of subsection (b).**

10 **(b) An individual who meets all the following requirements is**
 11 **entitled to the waiver described in subsection (a):**

12 **(1) On the date the individual applies to be appointed and**
 13 **hired as a law enforcement officer, the individual is a veteran**
 14 **who has completed at least twenty (20) years of military**
 15 **service.**

16 **(2) The individual received or is eligible to receive an**
 17 **honorable discharge from the armed forces.**

18 **(3) The individual meets all other requirements for**
 19 **appointment and hiring as a law enforcement officer,**
 20 **including all physical requirements."**

21 Page 10, between lines 38 and 39, begin a new paragraph and insert:
 22 "SECTION 6. IC 36-8-3.5-12, AS AMENDED BY P.L.99-2007,
 23 SECTION 214, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) **Subject to IC 5-2-1.5**, to be
 25 appointed to the department, an applicant must be:

26 (1) a citizen of the United States;

27 (2) a high school graduate or equivalent; and

28 (3) at least twenty-one (21) years of age, but under thirty-six (36)
 29 years of age.

30 However, the age requirements do not apply to a person who has been
 31 previously employed as a member of the department.

32 (b) A person may not be appointed, reappointed, or reinstated if he
 33 has a felony conviction on his record.

34 (c) Applications for appointment or reappointment to the
 35 department must be filed with the commission. The applicant must
 36 produce satisfactory proof of the date and place of his birth.

37 (d) Applicants for appointment or reappointment to the department
 38 must pass the general aptitude test required under IC 36-8-3.2-3 or
 39 IC 36-8-3.2-3.5. The general aptitude test shall:

40 (1) reflect the essential functions of the job;

41 (2) be conducted according to procedures adopted by the
 42 commission; and

43 (3) be administered in a manner that reasonably accommodates
 44 the needs of applicants with a disability.

45 The results of the general aptitude test shall be filed with the
 46 commission. If the commission finds that the applicant lacks the proper

1 qualifications, it shall reject the applicant.

2 (e) The applicants shall then be rated on the selection criteria and
3 testing methods adopted by the commission, which may include mental
4 alertness, character, habits, and reputation. The commission shall adopt
5 rules for grading the applicants, including the establishment of a
6 passing score. The commission shall place the names of applicants with
7 passing scores on an eligibility list by the order of their scores and shall
8 certify the list to the safety board.

9 (f) **This subsection is subject to IC 5-2-1.5.** If an applicant for
10 original appointment reaches his thirty-sixth birthday, his name shall
11 be removed from the eligibility list. Applicants remain on the list for
12 two (2) years from the date of certification. After two (2) years a person
13 may reapply as an applicant.

14 (g) When a vacancy occurs in the department, the commission, upon
15 a written request of the chief of the department, shall administer the
16 physical agility test under IC 36-8-3.2-3 or IC 36-8-3.2-3.5 to the
17 applicant having the highest score on the eligibility list. If the
18 appointed applicant successfully completes the physical agility test, the
19 applicant shall then be enrolled as a member of the department to fill
20 the vacancy if:

21 (1) the applicant is still of good character; and

22 (2) the applicant passes the required examinations identified in
23 IC 36-8-3.2-6 and IC 36-8-8-19.

24 (h) All appointments are probationary for a period not to exceed one
25 (1) year. If the commission finds, upon the recommendation of the
26 department during the probationary period, that the conduct or capacity
27 of the probationary member is not satisfactory, the commission shall
28 notify him in writing that he is being reprimanded, that he is being
29 suspended, or that he will not receive a permanent appointment. If a
30 member is notified that he will not receive a permanent appointment,
31 his employment immediately ceases. Otherwise, at the expiration of the
32 probationary period the member is considered regularly employed.

33 SECTION 7. IC 36-8-4-7 IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) **Subject to IC 5-2-1.5**, a
35 person may not be appointed as a member of the police department or
36 fire department after the person has reached thirty-six (36) years of age.
37 A person may be reappointed as a member of the department only if the
38 person is a former member or a retired member not yet receiving
39 retirement benefits of the 1925, 1937, 1953, or 1977 fund and can
40 complete twenty (20) years of service before reaching sixty (60) years
41 of age.

42 (b) This section does not apply to a fire chief appointed under a
43 waiver under section 6(c) of this chapter or a police chief appointed
44 under a waiver under section 6.5(c) of this chapter.

45 (c) A person must pass the aptitude, physical agility, and physical
46 examination required by the local board of the fund and by

1 IC 36-8-8-19 to be appointed or reappointed as a member of the
2 department.

3 (d) A fire chief appointed under a waiver under section 6(c) of this
4 chapter or police chief appointed under a waiver under section 6.5(c)
5 of this chapter who is receiving, or is entitled to receive, benefits from
6 the 1925, 1937, 1953, or 1977 fund may receive those benefits while
7 serving as chief, subject to all normal requirements for receipt of a
8 benefit, including a separation from service.

9 SECTION 8. IC 36-8-8-7, AS AMENDED BY P.L.1-2006,
10 SECTION 575, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) **Subject to IC 5-2-1.5, and**
12 except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

13 (1) a police officer; or

14 (2) a firefighter;

15 who is less than thirty-six (36) years of age and who passes the baseline
16 statewide physical and mental examinations required under section 19
17 of this chapter shall be a member of the 1977 fund and is not a member
18 of the 1925 fund, the 1937 fund, or the 1953 fund.

19 (b) A police officer or firefighter with service before May 1, 1977,
20 who is hired or rehired after April 30, 1977, may receive credit under
21 this chapter for service as a police officer or firefighter prior to entry
22 into the 1977 fund if the employer who rehires the police officer or
23 firefighter chooses to contribute to the 1977 fund the amount necessary
24 to amortize the police officer's or firefighter's prior service liability over
25 a period of not more than forty (40) years, the amount and the period
26 to be determined by the PERF board. If the employer chooses to make
27 the contributions, the police officer or firefighter is entitled to receive
28 credit for the police officer's or firefighter's prior years of service
29 without making contributions to the 1977 fund for that prior service. In
30 no event may a police officer or firefighter receive credit for prior years
31 of service if the police officer or firefighter is receiving a benefit or is
32 entitled to receive a benefit in the future from any other public pension
33 plan with respect to the prior years of service.

34 (c) Except as provided in section 18 of this chapter, a police officer
35 or firefighter is entitled to credit for all years of service after April 30,
36 1977, with the police or fire department of an employer covered by this
37 chapter.

38 (d) A police officer or firefighter with twenty (20) years of service
39 does not become a member of the 1977 fund and is not covered by this
40 chapter, if the police officer or firefighter:

41 (1) was hired before May 1, 1977;

42 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
43 of which were repealed September 1, 1981); and

44 (3) is rehired after April 30, 1977, by the same employer.

45 (e) A police officer or firefighter does not become a member of the
46 1977 fund and is not covered by this chapter if the police officer or

1 firefighter:

- 2 (1) was hired before May 1, 1977;
- 3 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 4 of which were repealed September 1, 1981);
- 5 (3) was rehired after April 30, 1977, but before February 1, 1979;
- 6 and
- 7 (4) was made, before February 1, 1979, a member of a 1925,
- 8 1937, or 1953 fund.

9 (f) A police officer or firefighter does not become a member of the
10 1977 fund and is not covered by this chapter if the police officer or
11 firefighter:

- 12 (1) was hired by the police or fire department of a unit before May
- 13 1, 1977;
- 14 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 15 of which were repealed September 1, 1981);
- 16 (3) is rehired by the police or fire department of another unit after
- 17 December 31, 1981; and
- 18 (4) is made, by the fiscal body of the other unit after December
- 19 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
- 20 unit.

21 If the police officer or firefighter is made a member of a 1925, 1937, or
22 1953 fund, the police officer or firefighter is entitled to receive credit
23 for all the police officer's or firefighter's years of service, including
24 years before January 1, 1982.

25 (g) As used in this subsection, "emergency medical services" and
26 "emergency medical technician" have the meanings set forth in
27 IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

- 28 (1) is employed by a unit that is participating in the 1977 fund;
- 29 (2) was employed as an emergency medical technician by a
- 30 political subdivision wholly or partially within the department's
- 31 jurisdiction;
- 32 (3) was a member of the public employees' retirement fund during
- 33 the employment described in subdivision (2); and
- 34 (4) ceased employment with the political subdivision and was
- 35 hired by the unit's fire department due to the reorganization of
- 36 emergency medical services within the department's jurisdiction;
- 37 shall participate in the 1977 fund. A firefighter who participates in the
- 38 1977 fund under this subsection is subject to sections 18 and 21 of this
- 39 chapter.

40 (h) A police officer or firefighter does not become a member of the
41 1977 fund and is not covered by this chapter if the individual was
42 appointed as:

- 43 (1) a fire chief under a waiver under IC 36-8-4-6(c); or
- 44 (2) a police chief under a waiver under IC 36-8-4-6.5(c);
- 45 unless the executive of the unit requests that the 1977 fund accept the
- 46 individual in the 1977 fund and the individual previously was a

1 member of the 1977 fund.

2 (i) A police matron hired or rehired after April 30, 1977, and before
3 July 1, 1996, who is a member of a police department in a second or
4 third class city on March 31, 1996, is a member of the 1977 fund.

5 (j) A park ranger who:

6 (1) completed at least the number of weeks of training at the
7 Indiana law enforcement academy or a comparable law
8 enforcement academy in another state that were required at the
9 time the park ranger attended the Indiana law enforcement
10 academy or the law enforcement academy in another state;

11 (2) graduated from the Indiana law enforcement academy or a
12 comparable law enforcement academy in another state; and

13 (3) is employed by the parks department of a city having a
14 population of more than one hundred twenty thousand (120,000)
15 but less than one hundred fifty thousand (150,000);

16 is a member of the fund.

17 (k) Notwithstanding any other provision of this chapter, a police
18 officer or firefighter:

19 (1) who is a member of the 1977 fund before a consolidation
20 under IC 36-3-1-5.1 or IC 36-3-1-6.1;

21 (2) whose employer is consolidated into the consolidated law
22 enforcement department or the fire department of a consolidated
23 city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

24 (3) who, after the consolidation, becomes an employee of the
25 consolidated law enforcement department or the consolidated fire
26 department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

27 is a member of the 1977 fund without meeting the requirements under
28 sections 19 and 21 of this chapter.

29 (l) Notwithstanding any other provision of this chapter, if:

30 (1) before a consolidation under IC 8-22-3-11.6, a police officer
31 or firefighter provides law enforcement services or fire protection
32 services for an entity in a consolidated city;

33 (2) the provision of those services is consolidated into the law
34 enforcement department or fire department of a consolidated city;
35 and

36 (3) after the consolidation, the police officer or firefighter
37 becomes an employee of the consolidated law enforcement
38 department or the consolidated fire department under
39 IC 8-22-3-11.6;

40 the police officer or firefighter is a member of the 1977 fund without
41 meeting the requirements under sections 19 and 21 of this chapter.

42 (m) A police officer or firefighter who is a member of the 1977 fund
43 under subsection (k) or (l) may not be:

44 (1) retired for purposes of section 10 of this chapter; or

45 (2) disabled for purposes of section 12 of this chapter;

46 solely because of a change in employer under the consolidation."

- 1 Renumber all SECTIONS consecutively.
 (Reference is to ESB 173 as printed April 10, 2009.)

Representative Walorski